



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

**NOV 12 2014**

Ref: 8P-W-WW

Barb Sharpe  
Water Protection Bureau  
Montana Department of Environmental Quality  
P.O. Box 200901  
Helena, MT 59620-0901

Re: Draft Permit for Stormwater Discharges  
Associated with Municipal Separate Storm  
Sewer Systems (MTR-040000)

Dear Ms. Sharpe:

Thank you for providing the draft permit for Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems (MS4s). I have reviewed the draft permit and have the following comments.

1. This permit does not provide the specificity and timelines for implementation consistent with the application of the Maximum Extent Practicable (MEP) standard for MS4 discharges,

However, EPA is not taking any action on the issuance of this permit in recognition of the Department of Environmental Quality's (the Department's) process in developing this permit working with stakeholders. I recognize that the re-issuance of this permit for two years in response to requests from stakeholders will provide additional time to develop state-wide implementation guidance materials and updates to the permit which are consistent with the application of the MEP standard. Region 8 staff have been involved significantly in the MS4 stakeholder workgroup and in providing implementation tools and guidance. We look forward to working with you in this effort so that a more specific and enforceable MS4 permit can be issued in two years.

2. It is noted in the fact sheet for the permit that the Department has elected to use EPA's original model permit "until EPA develops and distributes an updated Model Small MS4 General Permit or their proposed MS4 Permit Improvement Guide, and/or until the Department formally incorporates Waste Load Allocations."

While staff at the EPA are committed to working with the Department to assist in the development of implementation tools and permit conditions with more specificity and timelines for implementation, the issuance of an MS4 permit that meets the MEP

standard is ultimately the responsibility of the Department. It is likely that EPA may not revise the MS4 Improvement Guide or provide an updated Model Small MS4 General Permit prior to the expiration of this two-year permit, and this should not interfere with the Department's ability to issue an effective MS4 permit that meets the MEP (Maximum Extent Practicable) permitting standard.

3. Much of the Butte MS4 is within the boundary of the Silver Bow Creek/Butte Area Superfund site. Given the unique stormwater challenges in Butte, it may be worth considering an individual permit for the Butte MS4 during the next permit cycle. This individual permit could more specifically tailor the six minimum control measures to address conditions within the Butte MS4.

We look forward to continued work with the Montana MS4 stakeholder workgroup. If you have any questions with regard to this letter, please contact Greg Davis at 303-312-6314, or E-mail [davis.gregory@epa.gov](mailto:davis.gregory@epa.gov).

Sincerely,



Colleen R. L. Rathbone, Chief  
Wastewater Unit